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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,276	03/12/2004	James DeGroot		7232

7590 05/04/2005  
Kenneth L. Tolar  
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EXAMINER

BRITTAIN, JAMES R

ART UNIT PAPER NUMBER

3677

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/799,276

**Applicant(s)**

DEGROOT, JAMES

**Examiner**

James R. Brittain

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☒ Claim(s) 2, 3 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Bliet (US 2465787, figures 1-3).

Bliet (figures 1-3) teaches a device inherently capable of securing trousers about a wearer's waist comprising: a base plate 6 having an upper surface, a lower surface and two opposing side edges; a first clasp 9 extending from one of the side edges inherently capable of being used for fastening to a first trouser belt loop; a second clasp 9 extending from another of the side edges inherently capable of being used for fastening to a second trouser belt loop; and means for extending and retracting each of the clasps to a desired position and locking the clasps in the desired position so as to be inherently capable of tightening trousers about a wearer's waist. Though not identical to applicant's pair of arms associated with each clasp, it is an equivalent in that it has a toothed surface engaged within the base. As to claim 4, the clip 16 is considered a design element.

Claim 1 is rejected under 35 U.S.C. §102(b) as being clearly anticipated by Casey (US 4003227).

Casey (figures 1 and 4-7) teaches a device inherently capable of securing trousers about a wearer's waist comprising: a base plate having an upper surface, a lower surface and two

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opposing side edges; a first clasp 24 extending from one of the side edges inherently capable of being used for fastening to a first trouser belt loop; a second clasp 26 extending from another of the side edges inherently capable of being used for fastening to a second trouser belt loop; and means for extending and retracting each of the clasps to a desired position and locking the clasps in the desired position so as to be inherently capable of tightening trousers about a wearer's waist. Though not identical to applicant's pair of arms associated with each clasp, it is an equivalent in that it has a toothed surface engaged within the base.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Casey (US 4003227) in view of Young (US 4800594).

Casey (figures 1 and 4-7) teaches a device inherently capable of securing trousers about a wearer's waist comprising: a base plate having an upper surface, a lower surface and two opposing side edges; a first clasp 24 extending from one of the side edges inherently capable of being used for fastening to a first trouser belt loop; a second clasp 26 extending from another of the side edges inherently capable of being used for fastening to a second trouser belt loop; and means for extending and retracting each of the clasps to a desired position and locking the clasps in the desired position so as to be inherently capable of tightening trousers about a wearer's waist. Though not identical to applicant's pair of arms associated with each clasp, it is an

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equivalent in that it has a toothed surface engaged within the base. The difference is that it lacks a design element. It would have been obvious to utilize a design element in view of Young (figure 2) suggesting the use of design elements 22 on the adjustment device.

***Allowable Subject Matter***

Claims 2, 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


The patents of Scott (US 5566297, figure 1) and Munro (US 573685, figure 1) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB